



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,015	08/07/2001	Tsuyoshi Kimura	450100-03387	1973
20999	7590	05/16/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			SENGI, BEHROOZ M	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,015

Applicant(s)

KIMURA, TSUYOSHI

Examiner

Behrooz Senfi

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9,11-15,18-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5-8,15 and 18- is/are allowed.
- 6) ☒ Claim(s) 9,11-14,19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/24/2006 has been entered.

Response to Amendment

2. Applicant's arguments filed 01/30/2006 in regards to claims 9 and 19, have been fully considered but they are not persuasive for the following reasons.

Applicant explanations (remarks, page 9, last paragraph) regarding "average pixel value detecting means for detecting an average pixel value of the specific hierarchy image data item as reference data", as shown in Figure 13, the average pixel value calculation circuit 27 calculates the average pixel value for the high frequency component portion of the I picture; which is then subtracted from the high frequency component portion as the reference data, and furthermore (page 10, lines 5 – 7), that "average pixel value" as required in the claim; is the "difference" between the specific hierarchy image data item (of the current frame) and the reference data (i.e. average pixel value), are red and understood.

However, the claim language does not reflect the above subject matter as

Art Unit: 2621

Applicant argues; for example; claim 1, only recites "average pixel value detecting means for detecting an average pixel value of the specific hierarchy image data item as reference data"; in other-words, based on the claim language, the average pixel value is consider as reference data, and the claim does not further limit or explain, how the average pixel value is being detected and/or how is being used as a reference data.

In view of the above, Katata '061 teaches video encoding/decoding in a hierarchical structure, and particularly (col. 23, lines 57 – 65) teaches, calculating/detection of mean of pixel value (i.e. average pixel value detecting), which determines the mean of pixel values of the area information, which is being outputted and used for further process. Therefore, this detection of "mean of pixel values of the area information" as taught by Katata, meets the limitation as claimed. In view of the above claims 9, 11 – 14, 19 and 21 – 23 are rejected for the same reason as stated in the previous Office Action, dated 11/30/2005.

Claims 2, 4, 10, 16 – 17 and 20 have been canceled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 11 – 14, 19 and 21 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al (US 2001/0043751) in view of Katata et al (US 6,088,061) for the same reason as stated in the last Office Action, dated 11/30/2005.

Allowable Subject Matter

5. Claims 1, 3, 5 – 8, 15 and 18 are allowed over the prior art of the records.
6. The following is an examiner's statement of reasons for allowance: The most relevant prior art of the record Jeng et al (US 6,011,870), i.e. fig. 6; digital compressed video coding, showing signal processing data flow using motion estimation and averaging (pixel averaging) module, but fails to anticipate or rendered obvious the limitation, multiplexing the average pixel value (i.e. reference data) with output of the specific hierarchy encoding, as shown in fig. 13 of instant application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(571) 272-7339**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mehrdad Dastouri** can be reached on **(571) 272-7418**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2621

Or faxed to:

(571) 273-8300.

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, Va. 22314.

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(571) 272-6000**.

B. M. S.

5/11/2006

Mehrdad Dastouri
MEHRDAD DASTOURI
SUPERVISORY PATENT EXAMINER
TC 2600